

**From:** [Benton, Marvin](#)  
**To:** [Motto, Brian](#)  
**Cc:** [Peycke, Mark](#); [Coltrain, Katrina](#); [Nixon, Lance](#); [Johnson, Lydia](#); [Atkins, Blake](#)  
**Subject:** FW: Bristow Refinery Litigation  
**Date:** Thursday, March 03, 2016 12:39:29 PM  
**Attachments:** [Kraft-Murphy Case.SOL.Delaware.pdf](#)

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Brian:

Hi ! We just spoke a few minutes ago.

I am working on the Wilcox Oil Super Fund  
Site located in Bristow, Creek County,  
Oklahoma.

One of the PRP's that we are looking  
at is EL Paso Energy Corporation. It  
was incorporated on April 17, 1998.  
EL Paso Energy Corporation changed  
its name to EL Paso Corporation on  
February 7, 2001.

On May 25, 2012 Kinder Morgan  
Incorporated completed its  
acquisition of EL Paso  
Corporation.

In January 2016 we here at Region VI sent  
a 104(e) request to Kinder Morgan, Inc.  
In response to our request Kinder Morgan  
told us that EL Paso did have a trust and that  
it is still active with over 68 million dollars  
in value.

The attached Delaware case which was  
decided on November 26, 2013 basically  
holds that the statute of limitations  
for filing against a trust is no longer  
valid if that trust still exists.

Is HQ's aware of the above attached Delaware  
case ? What is HQ's position on this case ?

Thanks,

Marvin Benton  
Senior Staff Attorney

Superfund Legal Branch  
Office Phone: 214-665-3190  
benton.marvin@epa.gov

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**From:** Coltrain, Katrina  
**Sent:** Tuesday, September 29, 2015 9:03 AM  
**To:** Benton, Marvin <Benton.Marvin@epa.gov>; Nixon, Lance <Nixon.Lance@epa.gov>  
**Subject:** FW: Bristow Refinery Litigation

Marvin/Lance, please find attached a court case that has supposedly indicated that the statute of limitations for filing against a trust is no longer valid if that trust still exists. I have not read the court case, however, the attorney for the residents at Wilcox indicated as much. My understanding is that the trust still exists and the funds have not been distributed. If this is the case, then can we file against the trust?

Katrina Higgins-Coltrain  
Remedial Project Manager  
US EPA Region 6  
LA/OK/NM Section  
1445 Ross Avenue  
Dallas, Texas 75202  
214-665-8143

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**From:** Lori VanWinkle [<mailto:lvanwinkle@thelawgroupokc.com>]  
**Sent:** Monday, September 28, 2015 2:31 PM  
**To:** Coltrain, Katrina  
**Cc:** Michael Blaschke  
**Subject:** Bristow Refinery Litigation

Hello Ms. Coltrain,

Mr. Blaschke asked that I provide you with the attached case. Should you have any questions, please feel free to contact our office.

Thank you,

Lori J. Van Winkle  
Paralegal  
**THE LAW GROUP JOINT VENTURE, LLC**  
**MICHAEL J. BLASCHKE, P.C.**  
3037 N.W. 63rd Street, Suite 205  
Oklahoma City, OK 73116  
Telephone: (405) 562-7771, Ext. 312  
Facsimile (405) 285-9350  
E-mail: [lvanwinkle@thelawgroupokc.com](mailto:lvanwinkle@thelawgroupokc.com)

**RANDALL SULLIVAN, P.C.**

1900 N.W. Expressway, Suite 605

Oklahoma City, OK 73118

Telephone: (405) 236-2264

Facsimile: (405) 236-2193

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